

**MINUTES OF A MEETING OF THE GOVERNING BOARD  
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
HELD AT OFFICES OF THE DISTRICT,  
3301 GUN CLUB ROAD, WEST PALM BEACH FLORIDA  
THURSDAY, DECEMBER 14, 2000  
8:30 A.M.**

The following **Board Members** were present

Michael Collins, Chairman  
Michael Minton  
Vera Carter  
Nicolas Gutierrez  
Patrick Gleason  
Trudi Williams  
Harkley Thornton  
Gerardo Fernandez

Frank R. Finch, Executive Director

**CALL TO ORDER**

The Meeting was called to order at 8:30 a.m. by Chairman Collins, followed by the Inspiration by Ms. Erika Garner, and the Pledge of Allegiance to the Flag of the United States of America.

A holiday musical presentation was performed by the Aquatones.

**A. Board Business**

**3. Employee Recognition**

**a. Years of Service Award Presentation**

**25 Years of Service**

Mr. Finch and Board Members presented the District 25-Year Service Award to Mr. Paul S. Millar, Service Center Director, Martin/St. Lucie Service Center.

**b. Mr. Jerry Fernandez, Chairman of the Human Resources Committee, will recognize this months Employee/Team(s)**

**(1.) Employee of the Month**

Mr. Fernandez and Board Members recognized, the November Employee of the Month, Ms. Janet L. Gleason.

**(2) Team of the Month**

Mr. Fernandez and Board Members recognized, the November Team(s) of the Month:

Pump Station 332B Automation Team

Lake Okeechobee SAV Mapping Team

**4. Announcement of Abstentions and Approval of Agenda**

This item was deferred to later in the meeting.

**5. Approval of Minutes**

**Motion by to approve the Minutes of the November 2000 Governing Board Regular Meeting and Workshop. Motion approved.**

**6. Carryover Items from Previous Agenda**

There were no carryover items.

**7. Note items pulled from the Consent Agenda**

**8. Future Meeting Dates**

Mr. Collins noted futures meeting dates. A copy of the schedule of upcoming meetings is included in the official record of this meeting.

**B. Reports By Board Staff and Committees**

**1. Audit Committee Meeting**

Chairman Collins noted that the Audit Committee met on Wednesday, December 13, and adjourned to reconvene today.  
Audit Committee Meeting

Mr. Minton, Co-chairman, Audit Committee, opened the meeting at 9:40 a.m.

Audit Committee Minutes for December 14, 2000 are available as a separate document. The report of the Audit Committee follows:

Mr. Minton presented the report. He said the Committee was presented information and recommendations on the following agenda items:

1. The Peer Review of the Inspector General's Office 1998-2000;
2. The Audit of Outside Legal Costs, Report #00-07;
3. The Software License Compliance Audit, Report #00-09;
4. The Span of Control Follow-up Report, Report #00-15;
5. The Office of Inspector General Annual Report FY00;
6. The Activity Report of the Inspector General's Office;
7. The Audit Plan FY01. The Committee discussed the audit plan. Mr. Fernandez asked that the IGs Office follow up on the recommendations in a previous audit of HR rather than perform a whole new audit. Mr. Vann agreed. Committee Members recommended Board approval of this item;

Mr. Minton said the Committee discussed the Performance Evaluation Panel for the Inspector General. He said the Board will use the new rating methodology for evaluating the Inspector General, as discussed at the January 2000 Board Retreat. Mr. Vann will bring back revised language to the Audit Committee Charter to comport with the agreed change.

**Motion by Mr. Gutierrez to approve the Audit Plan FY01 as recommended by the Committee, and to approve the Report of the Audit Committee and recommended actions.**

**Motion approved.**

## **Revisions to the Agenda**

Revisions are noted on the Revised Agenda. A copy of the Revised Agenda is included in the official record of this meeting.

## **2. Staff of the Board**

### **a. Ombudsman's Report**

Mr. Richard Williams, District Ombudsman, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Williams said staff recommends approval of an innovative approach involving collaborative environmental studies and community outreach programs with Florida Memorial College for Environmental Studies.

**Motion by Mr. Fernandez to approve implementation of Phase I of the Collaborative Environmental Studies Community Outreach effort, to direct staff to bring back a report on Phase II in 90 days, and to request that the Executive Director identify funding from existing programs to fund this effort.**

Mr. Fumero suggested that the motion be re-worded to approve the concept of this effort, rather than taking official action to implement the effort at this time. He said approval of the implementation should be placed on a future agenda for Board consideration. Board Members agreed and requested that Office of Counsel bring back appropriate language later in the meeting.

**Motion by Mr. Fernandez to defer action on this item until later in the meeting. Motion approved.**

**b. General Counsel's Report**

Mr. John Fumero, General Counsel, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

**c. Legislative and Governmental Affairs Update**

Ms. Yvonne Gsteiger, Governmental Representative, presented the update. A copy of the material used in her presentation is included in the official record of this meeting.

**d. Executive Director's Report**

Mr. Finch presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

**District Staff Presentations**

**1) Water Resources Operations Business Group**

Ms. Naomi Duerr, Deputy Executive Director, WRO, said staff has nothing to report at this time.

**2) Water Resources Management Business Group**

Mr. Joseph Taylor, Deputy Executive Director, WRM, presented a report on the December 10, 2000 flood event.

**3) Corporate Resources Business Group**

Mr. Jock Merriam, Deputy Executive Director, Corporate Resources, presented the report. He said Mr. Paul Dumarrs has been selected as the new Director of Finance and Administration.

**4) Everglades Construction Project Office**

**Everglades Construction Project/Comprehensive Everglades Restoration Plan Update**

Mr. Joseph Schweigart, Director, Program and Project Management, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Frank Fink, Lead Environmental Scientist, presented information on mercury issues. A copy of the material used in his presentation is included in the official record of this meeting.

**8. Announcement of Abstentions and Approval of Agenda**

A copy of abstentions is included in official record of this meeting. Board Members approved the Agenda as revised. A list of revisions is included in the official record.

**Approval of Consent Agenda**

**Additions, Deletions, Substitutions**

Mr. Darryl Bell, Governing Board Operations Support, noted changes to the non-regulatory portion of the Consent Agenda which are reflected on the Revised Agenda. A copy of the Revised Agenda is included in the official record of this meeting.

**Motion by Ms. Carter to approve the agenda as revised. Motion approved.**

**Agenda changes for the Permits/Regulatory Matters portion of the Consent Agenda for the December 14, 2000 Governing Board meeting:**

**Additions, Deletions, Substitutions**

Ms. Naomi S. Duerr, Deputy Executive Director, Water Resources Management, noted the following changes handed out as additional backup to the Regulatory portion of the Consent Agenda (Item III.B):

## **PERMIT APPLICATIONS**

### **Water Use**

Martin County Consolidated System (page 6, paragraph 1):  
Postponed to January 11 Board

Gary L Resmondo Sod (page 14, paragraph 1): Postponed to  
January 11 Board

Rolling Meadow Ranch (page 14, paragraph 2): Postponed to  
January 11 Board

### **Environmental Resource**

Biscayne Waterways (page 7, paragraph 1): Postponed to January  
11 Board

Intracoastal Yacht Club Apartments Marina (page 7, paragraph 2):  
Postponed to January 11 Board

Marin Property (page 7, paragraph 3): Postponed to January 11  
Board

### **Surface Water Management Extension**

Squirrel Island Agricultural Project (page 16, paragraph 1):  
Postponed to January 11 Board

### **Consent Agreements**

Groves of Naples, Inc and City of Naples (page 17, paragraph 1):  
Postponed to January 11 Board

Palm Beach County (page 17, paragraph 2): Postponed to January  
11 Board (as indicated in the Summary of Revisions to the  
Final Agenda of the Governing Board Meeting of December  
14, 2000)

SCI Funeral Services of Florida Inc (page 17, paragraph 4):  
Postponed to January 11 Board

### **Water Shortage Variances**

Water Shortage Variances (page 18): Added

**Motion by Ms. Carter to approve the Consent Agenda as revised. Motion approved.**

### **Open Public Hearing**

Chairman Collins opened the public hearing prior to each item and closed the public hearing following public comment on each item.

#### **A. Policy Implementation**

##### **1. Water Resources Management Business Group**

#### **Environmental Resource Regulation Division**

**IV.A.1.a. Authorize rule adoption to amend Section 4.3.7.4(b) and (e), Basis of Review for Environmental Resource Permit Applications (August 2000), incorporated by reference in Rule 40E-4.091(1)(a), Fla. Admin. Code.**

Mr. Robert Robbins, Department Director, Natural Resource Management, presented information on this item. a copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Minton to authorize rule adoption to amend Section 4.3.7.4(b) and (e), Basis of Review for Environmental Resource Permit Applications (August 2000), incorporated by reference in Rule 40E-4.091(1)(a), Fla. Admin. Code, to provide that any local pollution control program acting pursuant to Section 403.182, F.S., may be a co-beneficiary of the financial assurance mechanism and as co-beneficiary provide written notice to the District prior to withdrawing or transferring any portion of the funds therein. Motion approved.**

#### **Real Estate, Engineering, and Construction Division**

**IV.A.1.b. This action was noticed under FAW Reference # 1190. Approve the purchase of land interests containing 39.62 acres, more or less, in Lee County, CREW Project.**

Mr. Blair R. LittleJohn, Interim Division Director, Real Estate, Eng. & Construction, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gleason to approve the purchase of land interests containing 39.62 acres, more or less, in Lee County, CREW Project and authorize a Resolution to the Board of Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs.  
Motion approved.**

**IV.A.1.c. This action was noticed under FAW Reference # 1192.  
Approve the purchase of land interests containing 56.36 acres, more or less, in Miami-Dade County, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the purchase of land interests containing 56.36 acres, more or less, in Miami-Dade County, East Coast Buffer Project, Approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs.  
Motion approved.**

**IV.A.1.d. Approve the purchase of land interests containing 18.41 acres, more or less, in Miami-Dade County, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the purchase of land interests containing 18.41 acres, more or less, in Miami-Dade County, East Coast Buffer Project, Approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs.**

## **GENERAL PUBLIC COMMENT**

**Board Members deferred comment until after consideration of item VI.A.1.a.**

## **A. POLICY IMPLEMENTATION**



## **Real Estate, Engineering, and Construction Division**

**VI.A.1.a. Approve and adopt a Resolution authorizing eminent domain in the form of a "quick take" for the acquisition of certain lands encompassing 101.5 acres, more or less, within the boundaries of the Southern Corkscrew Regional Ecosystem Watershed Project ("Critical C.R.E.W. Project").**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Minton to approve and adopt a Resolution authorizing eminent domain in the form of a "quick take" for the acquisition of certain lands encompassing 101.5 acres, more or less, within the boundaries of the Southern Corkscrew Regional Ecosystem Watershed Project ("Critical C.R.E.W. Project") , located in Lee County, including authorization to request reimbursement for acquisition and associated costs from the United States Department of the Interior. Motion approved.**

Mr. Ray Judah, Commissioner, Lee County, commented on this item. He said Lee County supports approval of the resolution.

Mr. Ben Nelson, City Commission, City of Bonita Springs commented on this item. He said the project is critical and asked that residents be given an opportunity to be relocated within the area.

Mr. Frank Vullo, a Lee County resident, said he supports approval of this item.

Mr. Shane Snell, a Bonita Springs resident, urged the Board not to approve this item.

Ms. Lori Smith, a local resident, said she does not support approval of this item. She said the Board should seek an independent study of this issue, and urged that no action be taken in haste.

The following members of the public expressed their support for approval of this item:

Mr. Bill Egan, a Bonita Springs resident;  
Mr. Ken Kingon, Lee Building Industry Associates;  
Ms. Neena Lurvey, League of Women Voters ;  
Mr. Gerald Schraffenberger, a Bonita Springs resident;  
Mr. Larry Wagener, a Bonita Springs resident; and  
Mr. Dennis Larson, Chamber of Southwest Florida.

The following members of the public expressed their opposition to approval of this item:

Mr. Glenn Bohon, a Deerfield Beach resident;  
Mr. Richard Capen, a Bonita Springs resident;  
Mr. Donald Dachuk, a Bonita Springs resident;  
Ms. Janet Dachuk, a Bonita Springs resident;  
Dr. Alexander W. Flynt, a Fort Myers resident;  
Mr. Cary Gatewood, a local landowner;  
Ms. Imogene Gatewood, a local landowner;  
Mr. David Harper, a St. Petersburg resident;  
Mr. Greg Holton, a Bonita Springs resident;  
Ms. Diana Holton, a Bonita Springs resident;  
Mr. Byron Liles, a Bonita Springs resident;  
Ms. Debbie Marquis, a Bonita Springs resident;  
Mr. Dick Marquis, a Bonita Springs resident;  
Mr. Mike Belusar, a Bonita Springs resident;  
Ms. Gail Carter Martin, a Bonita Springs resident;  
Mr. Ed Pawlowski, a Bonita Springs resident;  
Ms. Regina Pawlowski, a Bonita Springs resident;  
Mr. Sam Snell, a Bonita Springs resident;  
Ms. Janet Snell, a Bonita Springs resident;  
Ms. Nhung Ta, a St. Petersburg resident;  
Mr. Ted Smith, a Bonita Springs resident;  
Ms. Lori Smith, a Bonita Springs resident;

Board Members discussed this item.

Ms. Williams noted that approval will be for lands that are specifically vacant.

**Motion approved.**

### **General Public Comment**

Mr. Steve Walker, representing residents in the Hillsboro Canal area, expressed concern about a district Right of Way Permit allowing the placement of high voltage power lines along a portion of the canal. Board Members directed staff to investigate and report back to the Board with a list of options.

Ms. Rosa Durando, Audubon Society of the Everglades, urged the Board to refuse to issue permits in major water reserve areas until a plan to use the area is in place.

Chairman Collins recognized Mr. Allen Milledge, former Governing Board Chairman.

**VI.A.1.b. Authorize entering into a Cooperative Agreement with the Florida Department of Environmental Protection for disbursements from the Save Our Everglades Trust Fund to the District in the amount of \$51,600,000.00 for the acquisition of lands and associated costs in Cell 11, East Coast Buffer Project, Broward County, Florida.**

Mr. Blair R. Littlejohn, Interim Division Director, Real Estate, Eng. & Construction, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Carter to authorize entering into a Cooperative Agreement with the Florida Department of Environmental Protection for disbursements from the Save Our Everglades Trust Fund to the District in the amount of \$51,600,000.00 for the acquisition of lands and associated costs in Cell 11, East Coast Buffer Project, Broward County, Florida, and Approve a list of Proposed Acquisitions to be funded by the Save Our Everglades Trust Fund. Motion approved.**

**VI.A.1.c. Briefing on Preliminary Evaluation of Pahokee Hospital**

This item was moved to later in the meeting.

## **Water Supply Division**

**VI.A.1.d Briefing on Discretionary Protocols - Operational Criteria for Lake Okeechobee.**

Mr. Kenneth G. Ammon, P.E., Director, Water Supply Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Patricia Strayer, P.E., Director, Watershed Research and Planning Division, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

**VI.A.1.e. Briefing on the Alternative Water Supply Funding Program**

Mr. Dean Powell, Deputy Department Director, Water Supply Department, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

## **2. Water Resources Operations Business Group**

**VI.A.2.a. Water Conditions Report**

Mr. Tommy Strowd, Division Director, Operations Control, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Board Members returned to consideration of item VI.A.1.c**

**VI.A.1.c. Briefing on Preliminary Evaluation of Pahokee Hospital**

Mr. Mike Hiscock, Lead Engineer, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Ben Marlin, Superintendent, Palm Beach County School District, urged the Board to acquire and use the former hospital building.

Mr. Jody Gleason, Vice-Chair, School Board of Palm Beach County, agreed.

Mr. Tony Masilotti, Commissioner, Palm Beach County, said the County supports use of the building by the District.

Mr. Phil Parsons, Florida Sugar Cane League, urged continued evaluation of this proposal.

Mr. Cecil Bennett, Health Care District, said he supports the use of the building by the District.

**Motion by Ms. Carter to decline consideration of use of the Pahokee Hospital building by the District at this time. Motion approved. Nay - Dr. Gleason, Mr. Gutierrez.**

**Board Discussion**

Chairman Collins suggested that item III.B.3., The Regional Center (Unit #19); Appl. No. 991027-12 Northern Palm Beach County Improvement District; Permit No. 50-01480-S, be deleted. Board Members agreed.

**Consideration of Items pulled for Discussion**

**III.A.1.h. This action was noticed under FAW # 1198.  
Approve declaring surplus land interests containing 3.03 acres, more or less, in Section 3, Township 31 South, Range 31 East, Polk County.**

**Motion by Mr. Thornton to approve declaring surplus land interests containing 3.03 acres, more or less, in Section 3, Township 31 South, Range 31 East, Polk County, together with the District's interest in and all privilege to mine and develop all phosphate, minerals, metals and petroleum under said property; authorize the sale of said surplus property to Florida Department of Transportation; and approve the waiver of the application fee. Motion approved.**

**III.C.5.e. Authorize entering into a 180 day contract with Mack Construction Services, Inc. for fencing & surveying Reedy Creek tracts 100-002/011/019.**

**Motion by Mr. Thornton to authorize entering into a 180 day contract with Mack Construction Services, Inc. for fencing & surveying Reedy Creek tracts 100-002/011/019 in an amount \$74,866.80, for which funds are budgeted. (Contract C-11158) Motion approved.**

Mr. Minton asked that the Board return to consideration of item VI.A.1.a. Mr. Minton said he has just learned of a conflict of interest that will require him to abstain.

## **A. POLICY IMPLEMENTATION**

### **Real Estate, Engineering, and Construction Division**

**VI.A.1.a. Approve and adopt a Resolution authorizing eminent domain in the form of a "quick take" for the acquisition of certain lands encompassing 101.5 acres, more or less, within the boundaries of the Southern Corkscrew Regional Ecosystem Watershed Project ("Critical C.R.E.W. Project").**

**Motion by Mr. Minton to reconsider action on this item. Motion approved.**

**Motion by Mr. Fernandez to approve and adopt a Resolution authorizing eminent domain in the form of a "quick take" for the acquisition of certain lands encompassing 101.5 acres, more or less, within the boundaries of the Southern Corkscrew Regional Ecosystem Watershed Project ("Critical C.R.E.W. Project") , located in Lee County, including authorization to request reimbursement for acquisition and associated costs from the United States Department of the Interior. Motion approved. Abstain - Mr. Minton.**

**VI.A.2.b. Miami-Dade Flood Recovery Efforts.**

This item was deleted.

**VI.A.2.c. Update on Implementation Actions.**

This item was deleted.

**VI.A.2.d. Modified Supply Side Management.**

This item was deleted.

**VI.A.2.e. Water Shortage Declaration, Concurrences and Resolution**

- (a) concur with Emergency Water Shortage Order for agricultural uses from Lake Okeechobee & connected surface waters within the E.A.A. Water Use Basin, Lake Shore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, portions of Indian Prairie Water Use Basin & the St. Lucie River Water Use Basin (Order #SFWMD 2000-172 DAO-WS).**
- (b) Concur with Emergency Water Shortage Order for Non-Agricultural uses from Lake Okeechobee & connected surface waters within the E.A.A. Water Use Basin, Lake Shore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, portions of Indian Prairie Water Use Basin & the St. Lucie River Water Use Basin (Order #SFWMD 2000-171 DAO-WS).**
- (c) Concur with emergency Water Shortage Order for the Lower West Coast Region (Order #2000-173 DAO-WS). Motion approved.**
- (d) Concur with Emergency Water Shortage Order 2000-179-DAO-WS for the LEC Region.**
- (e) Declare a Water Shortage for Surface Water Uses within portions of the Indian Prairie Water Use Basin, including specific water shortage variance requirements pursuant to Rule 40E-21.275, F.A.C.**
- (f) Approve a resolution requesting the FFWCC, the U.S. Army COE, and the DEP to proceed on an expedited basis with a drawdown of Lake Istokpoga for environmental purposes.**

Ms. Cecile Ross, Senior Attorney, Office of Counsel, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Ms. Beth Ross, Senior Specialist Attorney, Office of Counsel, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Scott Burns, Director, Water Use Department, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Tom Bennefield, GatorsTurf Water Resources, asked that the Board not proceed with the Phase II Water Shortage Declaration in the Lower West Coast.

Mr. Don Brelsford, a Lorida resident, commented on this item. His comments are included in a videotape of this meeting, which is available on request.

Mr. Beacham Furse, Florida Fish and Wildlife Conservation Commission, commented on this item. His comments are included in a videotape of this meeting, which is available on request.

**Motion by Ms. Williams to concur with Emergency Water Shortage Order for agricultural uses from Lake Okeechobee & connected surface waters within the E.A.A. Water Use Basin, Lake Shore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, portions of Indian Prairie Water Use Basin & the St. Lucie River Water Use Basin (Order #SFWMD 2000-172 DAO-WS). Motion approved.**

**Motion by Ms. Williams to concur with Emergency Water Shortage Order for Non-Agricultural uses from Lake Okeechobee & connected surface waters within the E.A.A. Water Use Basin, Lake Shore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, portions of Indian Prairie Water Use Basin & the St. Lucie River Water Use Basin (Order #SFWMD 2000-171 DAO-WS). Motion approved.**

**Motion by Ms. Williams to concur with emergency Water Shortage Order for the Lower West Coast Region (Order #2000-173 DAO-WS). Motion approved. Motion approved.**

**Motion by Mr. Gleason to concur with Emergency Water Shortage Order 2000-179-DAO-WS for the LEC Region. Motion approved.**

**Motion by Mr. Gutierrez to declare a Water Shortage for Surface Water Uses within portions of the Indian Prairie Water Use Basin, including specific water shortage variance requirements pursuant to Rule 40E-21.275, F.A.C. Motion approved.**

**Motion by Ms. Carter to approve a resolution requesting the FFWCC, the U.S. Army COE, and the DEP to proceed on an expedited basis with a drawdown of Lake Istokpoga for environmental purposes. Motion approved.**

### **3. Corporate Resources Business Group**

#### **Procurement**

##### **VI.A.3.a. Update on Equity in Contracting Plan Status Report on Implementation Efforts**

This item was deleted.

##### **VI.A.3.b. Update on Procurement Process Improvements Procurement Improvements and Calendar of Presentations**

This item was deleted.

#### **B. Permits/Regulatory Matters**

##### **1. Water Resources Management Business Group**

#### **Environmental Resource Regulation Division**

**VI.B.1.a. Authorize staff to publish in the F.A.W. a Notice of Proposed Rulemaking regarding a proposed amendment to Rule 40E-4.091(1)(a), F. A. C. The proposed amendment will incorporate by reference a Delegation Agreement among the DEP, SFWMD, and Broward County delegating to Broward County certain environmental resource, wetland resource and surface water management permitting, compliance, and enforcement responsibilities under Part IV, Ch. 373, F.S.**

This item was deleted.

**VI.B.1.b. Consider 1) Environmental Resource Permit Application No. 991026-12, and 2) Consent of Use authorization.**

Mr. Rob Robbins, Department Director, Natural Resource Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Carter to deny approval. Motion does not succeed due to lack of a second.**

Mr. Kevin Hennessey, Lewis Longman and Walker, commented on this item. His comments are included in a videotape of this meeting, which is available on request.



Mr. Stephen Crawford, Club Everglades, commented on this item. His comments are included in a videotape of this meeting, which is available on request.

**Motion by Mr. Minton to approve: 1) Environmental Resource Permit Application No. 991026-12 which includes construction of a 3.85 acre residential subdivision, a 0.35 acre parking area, and 16 boat slips for Pleasure Island at Club Everglades, and 2) Consent of Use authorization for the use of state-owned sovereignty submerged lands in the Barron River at Everglades City for the construction and use of 16 boat slips. Motion approved. Nay - Ms. Carter, Chairman Collins, Mr. Minton.**

**VI.C.1.a. Authorize funding for the State of Florida Department of Management Services contract with Centex Rooney Construction Company for the construction of the B-50 Replacement Project.**

Mr. Michael Hiscock, Lead Engineer, Real Estate, Engineering and Construction Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gutierrez to authorize funding for the State of Florida Department of Management Services contract with Centex Rooney Construction Company for the construction of the B-50 Replacement Project in an amount not to exceed \$13,689,174 of which \$10 million was budgeted in FY2000 and the remainder budgeted in FY2001. A budget amendment will be processed later this fiscal year which re-appropriates the FY2000 borrowing authority. (Contract C-10465-A01). Motion approved.**

**VI.C.1.b. Authorize funding for the State of Florida Department of Management Services contract with Hanson Engineers, Inc. for the B-50 Replacement Project Construction Phase Design Support Services.**

Mr. Hiscock presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gutierrez to authorize funding for the State of Florida Department of Management Services contract with Hanson Engineers, Inc. for the B-50 Replacement Project Construction Phase Design Support Services in an amount not to exceed \$227,500 and to extend the term by 540 days for which funds are budgeted (Contract Number C-10435-A03). Motion approved.**

Board Members returned to consideration of the Ombudsman's Report at this time.

**I.B.2.a. Ombudsman's Report**

Mr. Fumero, as directed by the Board, presented wording for an earlier item recommended for approval by the Ombudsman.

**Motion by Mr. Fernandez to approve the following:**

**As part of the South Florida Water Management District's One Florida Initiative, conceptually approve an innovative approach involving collaborative environmental studies and community outreach programs with the Florida Memorial College Center for Environmental Studies. Staff shall bring a specific contract/cooperative agreement for action at the January 2001 Governing Board Meeting. Motion approved.**

**VI.A.3.b. Update on Equity in Contracting Plan.**

Dr. Gleason asked that staff obtain an outside review of this effort from minority firms in the area. Chairman Collins agreed.

**Miscellaneous**

**A. Closed Sessions**

**Attorney-Client Session pursuant to Fla. Stat. Section 286.011(8) (2000) to discuss settlement negotiations or strategy related to litigation expenditures in: (1) Miccosukee Tribe of Indians of Florida v. South Florida Water Management District and Samuel Poole and Friends of the Everglades v. South Florida Water Management District. U.S. District Court, Southern District of Florida, Case Number(s) 98-6056-CIV and 98-6057-CIV; (2) Miccosukee Tribe of Indians of Florida, et al v. South Florida Water Management District et al., Circuit Court, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case Number 99-03243 CA 01.**

This item was deleted.

**B. Action Items (if any) stemming from the closed sessions**

**VIII. Consider action to settle the above referenced litigation expenditures.**

This item was deleted.

**C. Board Comment**

None.

**VIII. Executive Contract Forecast Summary**

This item was deleted.

**D. Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 3:25 p.m.